

REMARKS

The present Amendment is in response to the Examiner's FINAL Office Action mailed October 5, 2004. By the foregoing amendments, claims 21-26, 31-32 and 34 are cancelled without prejudice, and claims 1, 9, 10, 11, 19, 20 and 33 are amended. Pursuant to 37 C.F.R. § 1.118, no new matter is introduced by these amendments. Claims 1-20, and 33 are now pending in view of the above amendments, and are now believed to be in a condition for allowance. Applicants reserve the right to pursue the subject matter of the cancelled and/or amended claims in one or more continuation applications.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. CLAIM OBJECTIONS

The Examiner objects to claims 23 and 27-30 due to incorrect status identifiers. In response, Applicants have amended the status identifiers used in connection with those claims to indicate a "cancelled" status. Withdrawal of the objection is respectfully requested.

The Examiner objects to claims 1, 9, 10, 11, 19 and 20 under 35 U.S.C. § 132 on the basis that previous amendments have allegedly introduced new subject matter. In particular, with respect to claims 1, 9, 10, 11 and 20, the Examiner objects to the limitation "cam formed along a length of the handle" on the basis that this constitutes new matter. Applicants respectfully traverse this objection. As an initial matter, Applicant is unclear as to exactly what

aspect of the limitation constitutes new matter. In particular, the original claim limitation (for example claim 1) recited the presence of “a handle with an associated cam.” Thus, the notion of a handle with a cam is clearly supported by way of the original filing. The specification as originally filed also clearly demonstrates the configuration of a cam formed along a handle structure. For example, see paragraph 9 of the Brief Summary of the Invention (page 6, line 14 of the originally filed application), wherein it is stated that “[t]he method and system for removing a module, as indicated herein, “thus utilizes a **small wire handle with a cam formed in one section**” (emphasis added). The cam is also described further, for example page 10, lines 25-27: “The method and system for removing a module, such as pluggable module 10, as indicated herein, thus utilizes a small **wire handle 28 with a cam 21 formed in one section**” (emphasis added). Again, that description was included in the application as originally filed. Moreover, the drawings demonstrate that the cam, in one preferred embodiment, if formed by way of a bend formed along the length of the length of the wire handle. Hence, the original filing clearly supports the claim limitation “cam formed along a length of the handle.” Further, this limitation finds clear support in the drawings. For example, figures 5, 6, 9 and 10 all show the handle 28, and all show the cam portion (designated at 21) that is formed along a length of the handle. Thus, the claim limitation specified by the Examiner finds clear support in the specification as originally filed, and Applicants respectfully request that the objection to claims 1, 9, 10, 11 and 20 be withdrawn.

The Examiner also objects to claims 19 and 20 for similar reasons. In particular, the Examiner alleges that the limitations “cam formed integrally along a length of the wired handle” and “a single contiguous wire handle with an associated cam” are directed to new subject matter. Again, the above discussion clearly demonstrates that the original filing disclosed a cam formed on the handle. This was shown in the drawings, and was discussed in the specification. Moreover, as shown in the drawings, in a disclosed embodiment the cam is formed as a bend in the wire handle – i.e., formed integrally along a length of the wire. Thus, the claims clearly include subject matter that is supported by disclosed embodiments.¹ Again, these limitations

¹ This discussion should in no way be construed as any type of construction of the scope of the corresponding claim language. Indeed, the scope of the claims are not limited to the example embodiments described in the specification,

were disclosed in the original specification, and thus are not directed to new subject matter. As such, it is respectfully requested that the objection be withdrawn.

The Examiner also objects to claim 34 on the basis that the limitation “a knob and a ridge” constitutes new subject matter. In particular, the Examiner argues that such limitations are not shown in the drawings. In response, Applicants have cancelled claim 34 without prejudice. It is believed that the objection is now moot, and its withdrawal is respectfully requested.

The Examiner also objects to claims 25 and 33 for various informalities. In response, claim 25 is cancelled, and claim 33 is amended so as to address each of the problems noted by the Examiner. It is believed that each of the objections has been addressed.

II. OBJECTIONS TO SPECIFICATION

At page 3 of the Office Action, the Examiner includes a paragraph regarding the specification. There, the Examiner objects to the specification for “failing to provide proper antecedent basis for the claimed subject matter,” and that the claimed terms lever, wedge and slidably do not have proper antecedent basis in the specification. The Examiner requests that the claimed terms should be incorporated into the specification without adding any new matter. In response, Applicants have amended the specification so as to provide antecedent basis for the claim terms highlighted by the Examiner. No new matter has been introduced, and withdrawal of the objection is respectfully requested.

For example, the paragraph on page 9 beginning at line 7 has been amended so as to provide antecedent basis for the claim term “lever.” This concept finds clear support in the drawings, as well as in the claims as originally filed and thus no new matter has been added by way of this amendment. That same paragraph has also been amended to point out the “wedge” shape of the ejector button in the illustrated embodiment – again, a feature clearly shown in the drawings. Further, the paragraph has been amended to point out the fact that removal of the module is achieved via a “sliding” motion – *i.e.*, the module is “slidably” received (and removed) within the receptacle provided by the transceiver system cage. Again, all of these features that

but likely read on additional non-disclosed embodiments. The discussion is only offered to illustrate that the claim language does find support in the application as originally filed.

are now more specifically highlighted in the specification are not believed to constitute the addition of new matter.

III. PRIOR ART REJECTIONS

The Examiner rejects claims 1-22, 24-26 and 31-34 under 35 U.S.C. § 103 as being unpatentable over *Chiu, et al.* (U.S. Patent No. 6,692,159 B2).

As an initial matter, Applicants note that *Chiu* would only qualify as prior art to this application under 35 U.S.C. §102(e). As such, Applicants do not concede that *Chiu* does in fact constitute prior art to the instant application, and reserve the right to swear behind that reference if needed in the future.

Even assuming for the purposes of argument that *Chiu* qualifies as prior art, Applicants respectfully traverse the Examiner's rejection for obviousness on the grounds that the reference – either individually or in combination with any other art of record – fails to teach or suggest each and every element of the rejected claims. In this regard, it is noted that the pending independent claims have been amended so as to be directed to an embodiment of the invention whereby the cam portion is formed along the length of the handle by way of a bend formed in the handle. Again, this is clearly shown in the drawings, and thus does not introduce new matter. In contrast to the presently claimed invention, *Chiu* does not teach or suggest such a mechanism for implementing a cam function, nor is there any suggestion by *Chiu* to use such an approach. In view of *Chiu's* failure to teach a mechanism for providing a cam via a bend in the handle, Applicants submit that the Examiner has failed to set forth a *prima facie* case for obviousness and respectfully request that the rejection be withdrawn.

Moreover, for at least the same reason, each of the claims depending from the independent claims is also patentably distinct, and it is respectfully requested that the rejection of each of those claims also be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 5th day of April, 2005.

Respectfully submitted,



ERIC L. MASCHOFF
Registration No. 36,596
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800

ELM/tat
TAT0000000848V001